

FILED
8/19/22 2:15 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

WAYNE V. LEWIS,
Debtor

WAYNE V. LEWIS,
Movant

v.

WILMINGTON SAVINGS FUND
SOCIETY, FSB,
Respondent

: Case No. 22-10056-TPA
:
: Chapter 13
:
: Related to Doc. Nos. 25, 36, 37, 39
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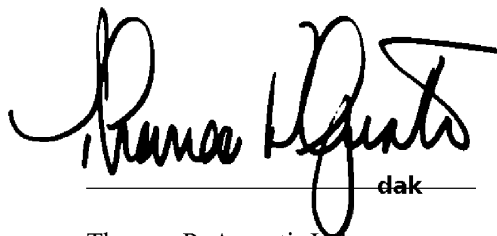
ORDER

Wilmington Savings Fund Society, FSB (“Wilmington”) filed a proof of claim in this case seeking fees and costs of \$2,593.81 in connection with Debtor’s mortgage account. The Debtor filed an Objection. An initial hearing was held and the Court directed Wilmington to file an itemization of its actual out-of-pocket costs and fees. On August 10, 2022 Wilmington filed a *Certification of Counsel* at Doc. No. 36 setting forth material in support of the claim showing claimed fees and costs totaling \$2,256.31. The Court issued an Order on August 12, 2022 giving the Debtor until August 18th to file “any Objection he deems appropriate.” Doc. No. 37.

Instead of an Objection, the Debtor filed a *Response of the Debtor, Wayne V. Lewis, to the Court Order Dated August 12, 2022 on the Objection to the Allowance of the Claim of Wilmington Savings Fund Society, FSB Pursuant to 11 U.S.C. § 502 and Bankruptcy Rule 3007* (“Response”) at Doc. No. 39. The *Response* does not raise any objection to the *Certification of Counsel*, rather it states that the Debtor is awaiting answers to some discovery requests that were served on Wilmington and it asks for additional time to object.

A request for additional time should have been made in a motion, not in the *Response*.
See, W.D. Pa. LBR 9013-1(c). For that reason, the Court could disregard the request and find that Debtor has not filed any objection to the *Certification of Counsel*. In this instance, however, in the interest of justice the Court will overlook the procedural irregularity, treat the *Response* as a motion, and grant additional time to the Debtor.

AND NOW, this 19th day of *August, 2022*, it is **ORDERED, ADJUDGED** and **DECREED** that *on or before September 9, 2022* the Debtor shall file any *Objection* he may have to the *Certification of Counsel*, following which the Court will take the matter under advisement.

A handwritten signature in black ink, appearing to read "Thomas P. Agresti", written over a horizontal line. The signature is stylized and cursive.

Thomas P. Agresti, Judge
United States Bankruptcy Court

Case administrator to serve:
Michael Graml, Esq.
Michael Clark, Esq.
Ronda Winnecour, Esq.
Debtor

:

In re:
Wayne V. Lewis
Debtor

Case No. 22-10056-TPA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1
Date Rcvd: Aug 19, 2022

User: auto
Form ID: pdf900

Page 1 of 1
Total Noticed: 1

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 21, 2022:

Recip ID	Recipient Name and Address
db	Wayne V. Lewis, 9100 Silverthorn Road, McKean, PA 16426-1527

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 21, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 19, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor METROPOLITAN LIFE INSURANCE COMPANY bnicholas@kmlawgroup.com
Michael J. Graml	on behalf of Debtor Wayne V. Lewis mattorney@neo.rr.com mjgraml@verizon.net
Michael John Clark	on behalf of Creditor Wilmington Savings Fund Society FSB, d/b/a Christiana Trust as Trustee for PNPMS Trust III mclark@squirelaw.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
Stephen Russell Franks	on behalf of Creditor Metropolitan Life Company amps@manleydeas.com

TOTAL: 6